

## **REMARKS**

Claims 1-30 are pending in the present application. Claims 7, 17, and 27 were canceled and claims 1-3, 11-13, and 21-23 were amended. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors as pointed out by the examiner. No new matter has been added by any of the amendments to the specification.

Also, in response to rejections of the drawings, in which a number of discrepancies between the drawings and the specification were noted, applicants have submitted corrections to the specification to bring these two portions in compliance with each other. The rejections are believed to be overcome.

### **I. 35 U.S.C. § 101**

The examiner has rejected claims 1-10 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

The examiner is thanked for his suggested amendment to overcome this rejection. Claim 1 has now been amended to include the recital of a computer-implemented method and to recite that the registration information is received at an online site, as suggested by the examiner. It is asserted that this rejection is now overcome.

### **II. 35 U.S.C. § 112, Second Paragraph**

The examiner has rejected claims 2-4, 9, 12-14, 19, 22-24, and 29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Claims 2, 12, and 22 were rejected as lacking antecedent basis for “offer terms of the registering user”. These claims have now been amended to remove the word “the” before this phrase.

Claims 3, 13, and 23 were rejected as lacking antecedent basis for “winning potential buyer”. These claims have now been amended to replace the word “the” prior to this phrase with the verb “designated”.

Claims 9, 19, and 29 were rejected as lacking antecedent basis for “condition”. It is respectfully submitted that an item inherently has a “condition” and thus, that it is not necessary to establish antecedent basis in this instance.

Therefore, it is asserted that the rejection of claims 2, 3, 9, 12, 13, 19, 22, 23, and 29 under 35 U.S.C. § 112, second paragraph has been overcome.

### **III. 35 U.S.C. § 102, Anticipation**

The examiner has rejected claims 1-4, 7, 9-14, 17, 19-24, 27, and 29-30 under 35 U.S.C. § 102(e) as being anticipated by Dutta (U.S. Patent No. 2002/0073008). This rejection is respectfully traversed.

As to claims 1-4, 7, 9-14, 17, 19-24, 27, and 29-30, the Office Action states:

Dutta discloses a method and corresponding computer program product and system in an electronic commerce for uniquely identifying products comprising receiving registration information from a registering user, wherein the registration information includes a unique identifier for an item and responsive to identifying a matched user, notifying the user of the match, wherein the unique identifier of the item in the matched user exactly matches the unique identifier of the item identified by the registering user (p.4, 36-42); identifying a matched user comprises searching database for a transactional match, wherein the transactional match contains complementary offer terms to the offer terms of the registering user (p.4, 36-42); the registering user is a seller and the step of identifying a matched user comprises conducting an auction at which multiple potential buyers competitively bid against one another with the matched user being the winning potential buyer (p.4, 36-42); the winning potential buyer offering the highest price for the item (p.4, 36-42); the unique identifier is a universal product code (p.4, 47 to p.5, 51-unique identifier may take many forms); the registration information includes a description of the condition of the item (p.4, 44-46); and the registering user is a seller and the registration information includes a minimum price that the seller willing to accept for the item (p.4, 44-46-set at time of registration).<sup>1</sup>

It is noted that all of the independent claims have now been amended to replace the recitation of a “unique identifier” with “universal product code” (UPC). It is submitted that this is the ultimate “unique identifier” in business, offering the assurance that two items that carry the same UPC are not only similar, but are made by the same manufacturer, are the same model, etc.

Claim 1 now reads,

1. (Amended) A computer-implemented method of matching a buyer and a seller of goods; the method comprising:  
receiving, at an online site, registration information from a registering user,  
wherein the registration information includes a universal product code for an item;  
and

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<sup>1</sup> Office Action dated November 30, 2004, pages 5-6

responsive to identifying a matched user, notifying the user of the match, wherein the universal product code of the item in the matched user exactly matches the universal product code of the item identified by the registering user.

The rejection equates a UPC with Dutta's disclosure that a unique identifier may take many forms,

The process begins with the seller creating a new auction or transaction within the auction service (step 302). ... The auction service would supply the seller with some form of transaction identifier for the newly created auction ... the auction service returns a unique identification tag to the seller (step 306). ... The transaction tag may be sent to the seller in several different ways. The tag may be a physical token, e.g., a tamper-resistant sticker, that has information printed on it, such as the time of the request, description of the item, and a unique transaction number that is presumably in an encrypted format, e.g., a cryptic series of numbers and letters. Alternatively, the tag may be sent to the seller as an electronic document to be printed by the seller.<sup>2</sup>

It is submitted that there is a great deal of difference between (a) a unique identifier provided by a website and recognized only by that website and its users, and (b) a universal product code that is recognized by the majority of the business world. It is strongly asserted that the claims now distinguish over the prior art.

Therefore, the rejection of claims 1-4, 7, 9-14, 17, 19-24, 27, and 29-30 under 35 U.S.C. § 102 has been overcome.

Furthermore, Dutta does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Dutta does not appear to even mention a universal product code or anything resembling one. Absent the examiner pointing out some teaching or incentive to implement Dutta and a UPC, one of ordinary skill in the art would not be led to modify Dutta to reach the present invention without relying on the use of hindsight using the applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

#### **IV. 35 U.S.C. § 103, Obviousness**

The examiner has rejected claims 5-6, 8, 15-16, 18, 25-26, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Okumura (U.S. Patent No. 2002/0032633). This rejection is respectfully traversed.

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<sup>2</sup> Dutta et al., excerpted from paragraphs 44-51

These claims have also been amended to recite that items to be matched are identified by a universal product code, which is widely recognized as a unique identifier for a given product. This enables the buyer to know exactly the product that is being offered, since an item having a UPC of 123456789 offered in Dallas, Texas is the same as an item offered in Cairo, Egypt, or anywhere else, if it has a UPC of 123456798. As has been discussed above, Dutta does not refer to the use of a UPC in identifying an item. Neither does Okumura refer to the use of a UPC. Therefore, no combination of these two applications can be asserted to support the use of a UPC in Thus, this limitation is not met.

Therefore, the rejection of claims 5-6, 8, 15-16, 18, 25-26, and 28 under 35 U.S.C. § 103 has been overcome.

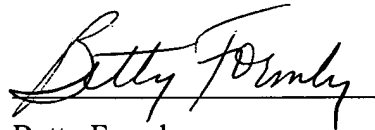
**V. Conclusion**

It is respectfully urged that the subject application is patentable over Dutta and Okumura and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: March 15, 2005

Respectfully submitted,

A handwritten signature in cursive script that reads "Betty Formby". The signature is written in dark ink and is positioned above the printed name and contact information.

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